

OFFICIAL FILE

ORIGINAL

ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION

OCT 26 11 37 AM '01

Illinois Independent Telephone Association]	
]	CHIEF CLERK'S OFFICE
Petition for initiation of an investigation of]	
the necessity of and the establishment of a]	
Universal Service Support Fund in accordance]	00-0233
with §13-301(d) of the Public Utilities Act]	
]	(Consolidated)
Illinois Commerce Commission On Its Own Motion]	
]	00-0335
Investigation into the necessity of and, if]	
appropriate, the establishment of a Universal]	
Support Fund pursuant to Section 13-301(d)]	
of the Public Utilities Act.]	

MOTION TO STRIKE

NOW COME Intervenors, Leaf River Telephone Company, Montrose Mutual Telephone Company., New Windsor Telephone Company, Oneida Telephone Exchange, Viola Home Telephone Company, and Woodhull Community Telephone Company, by their attorney, Gary L. Smith, of Loewenstein, Hagen, & Smith, P.C, and requests that the Commission strike the Petition for Rehearing and/or Clarification filed herein by AT&T Communications of Illinois, Inc., or certain portions thereof, and in support thereof states as follows:

1. AT&T Communications of Illinois, Inc. AT&T filed its Petition for Rehearing and/or Clarification ("Petition") herein on October 18, 2001. The Petition includes as Attachment 1 a spreadsheet that purports to show final size and individual company funding for each individual small company in the State. AT&T's fund size and individual company funding calculations in Attachment 1 to its Petition are based on part

on primary/secondary line count data that is not in the evidentiary record, as admitted by AT&T in footnote 1 on page 3 of its Petition.

2. Since AT&T's Petition alleges new facts (not previously introduced in the evidence record), Section 200.880(c) of the Commission's Rules of Practice, 83 Ill.Admin.Code 200.880(c), required that the Petition be filed with a verification. Section 200.880(c) provides as follows:

(c) If an application for rehearing alleges new facts, then the application **must be filed with a verification**. A verification need not be filed with an application for rehearing if the application does not allege new facts. (Emphasis added.)

3. AT&T's Petition was not filed with a verification as required by Section 200.880(c), and therefore all new matters alleged in AT&T's Petition have not been properly preserved for reconsideration by the Commission and all new facts must be stricken.

4. The portion of AT&T's Petition that must be stricken include Attachment 1 to AT&T's Petition and all references in the Petition to Attachment 1, or the proposed fund size, and all individual small company funding shown on attachment 1. Specifically, in addition to Attachment 1, the following portions of the text of the Petition must be stricken: (1) the last sentence of footnote 1 on page 3, (2) footnote 3 on page 4, (3) the first full paragraph on page 9, and (4) footnote 4 on page 9.

WHEREFORE, Leaf River Telephone Company, Montrose Mutual Telephone Company., New Windsor Telephone Company, Oneida Telephone Exchange, Viola Home Telephone Company, and Woodhull Community Telephone Company request that

the Commission strike certain portions of the Petition for Rehearing and/or Clarification filed by AT&T Communications of Illinois, Inc., as set forth above, including Attachment 1 thereto, and for such other and further relief as the Commission deems just.

Respectfully submitted,

LEAF RIVER TELEPHONE COMPANY, MONTROSE
MUTUAL TELEPHONE COMPANY NEW WINDSOR
TELEPHONE COMPANY, ONEIDA TELEPHONE
EXCHANGE, VIOLA HOME TELEPHONE
COMPANY, AND WOODHULL COMMUNITY
TELEPHONE COMPANY

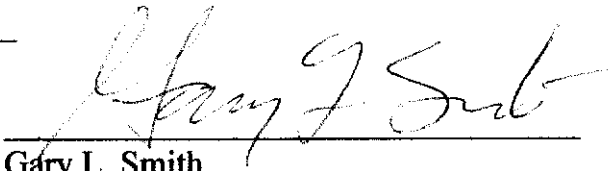
By: _____

Gary L. Smith

Gary L. Smith-#2644029
Loewenstein, Hagen, & Smith, P.C
1204 South Fourth Street
Springfield, IL 62703
Phone: 217/789-0500
Fax: 217/522-6047

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing motion were served upon the parties on the service list in this case by e-mail, or by depositing same in the U.S. Mail, first class postage prepaid, on Oct 25, 2001



Gary L. Smith

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION

OCT 26 11 37 AM '01

Illinois Independent Telephone Association]
Petition for initiation of an investigation of]
the necessity of and the establishment of a]
Universal Service Support Fund in accordance]
with §13-301(d) of the Public Utilities Act]
Illinois Commerce Commission On Its Own Motion]
Investigation into the necessity of and, if]
appropriate, the establishment of a Universal]
Support Fund pursuant to Section 13-301(d)]
of the Public Utilities Act.]

CHIEF CLERK'S OFFICE

00-0233

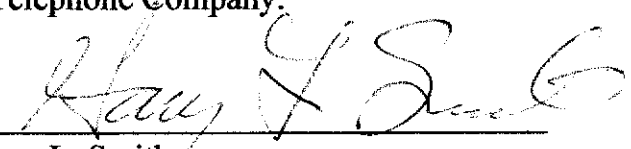
(Consolidated)

00-0335

NOTICE OF FILING

To:: Service List Attached

You are hereby notified that I have this 25 day of Oct., 2001,
filed with the Chief Clerk of the Illinois Commerce Commission the Motion to Strike of
Intervenors Leaf River Telephone Company, Montrose Mutual Telephone Company.,
New Windsor Telephone Company, Oneida Telephone Exchange, Viola Home
Telephone Company, and Woodhull Community Telephone Company.



Gary L. Smith
Loewenstein, Hagen & Smith, P.C.
1204 South Fourth Street
Springfield, IL 62703
Tel.: 217/789-0500
Fax: 217/522-6047
E-Mail: lexsmith@lhoslaw.com

Dennis K. Muncy, Matt C. Deering
& Joseph D. Murphy
Attys. for Illinois Independent Tel. Assn.
Meyer, Capel, Law Firm
Post Office Box 6750
Champaign, IL 61826-6750

John E. Rooney & Michael Guerra
Attys. for Verizon North Inc. & Verizon
South Inc.
Sonnenschein Nath & Rosenthal
233 South Wacker Dr.
Chicago, IL 60606

Cheryl Urbanski Hamill
AT&T Communications of Illinois, Inc.
222 W. Adams St., Ste. 1500
Chicago, IL 60606

Matthew L. Harvey, Nora A. Naughton
& Margaret Kelly
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104

Sean R. Brady
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601

Troy A. Fodor
E. M. Fulton
Law Office of Troy A. Foder, P.C.
913 South Sixth Street
Springfield, IL 62703

Nancy J. Hertel
Ameritech Illinois
225 W. Randolph St. -29th Flr.
Chicago, IL 60606

Kenneth A. Schiffman
Atty. for Sprint Communications
Company L.P.
d/b/a Sprint Communications L.P.
8140 Ward Parkway, 5E
Kansas City, MO 64114

Mr. Donald Woods
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. David Irwin
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Ste. 200
Washington, DC 20036-3101